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NASA Procedural Requirements

NPR 5101.33A
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COMPLIANCE IS MANDATORY

Procurement Advocacy Programs w/Change 2 (10/04/04), Revalidated 2/25/05

Responsible Office: Procurement Operations Division

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CHANGE HISTORY

Chg#	Code/Center	Approved	Description/Comments
1	Office of Procurement	04/09/04	Deletions of paragraph, references, etc, per Jennings memo dated 12/5/03 and administrative changes made throughout to change NPG to NPR.
2	Office of Procurement	10/04/04	With the creation of NPD 2025, NASA Ombudsperson, NPR was edited to add the word "Procurement" in front of of "Ombudsman" so that distinction is made between the duties of the NASA Ombudsperson and the Procurement Ombudsman.

Preface

P.1 Purpose

This NPR provides internal guidance for Agencywide advocacy roles:

- a. The NASA Ombudsman.
- b. Competition and Commercial Item Advocacy.
- c. Value Engineering (VE).

P.2 Applicability

This NPR is applicable to NASA Headquarters, NASA Centers (including Component Facilities), and the Jet Propulsion Laboratory to the extent specified in the contract.

P.3 Authority

- a. 48 C.F.R. Chapter 1, Federal Acquisition Regulations (FAR).
- b. Office of Management and Budget (OMB) Circular No. A-131, Value Engineering.

P.4 References

- a. 48 C.F.R. Chapter 18, The NASA FAR Supplement (NFS).
- b. NPD 5101.32, Procurement.

P.5 Cancellation

NPR 5101.33, dated April 12, 1996.

Revalidated February 25, 2005, Original signed by

/s/Thomas S. Luedtke
Associate Administrator for Procurement

Distribution:

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Chapter 1. NASA Ombudsmen

1.1 Goal

The Procurement Ombudsman Program establishes a more open acquisition process by facilitating communication on an informal basis between NASA and parties outside the Government. For additional information see NFS 1815.70.

1.2 The Agency Procurement Ombudsman's Responsibilities:

1.2.1 The Agency Procurement Ombudsman, designated in NPD 5101.32, will take action to resolve concerns, disagreements, and recommendations submitted by interested parties that cannot be resolved at the Center level, or those having Agencywide implications;

1.2.2 refer Center-specific issues to the appropriate Center Procurement Ombudsman for action; and

1.2.3 periodically communicate with Center Procurement Ombudsmen on common Agencywide issues and refer those issues to the appropriate office for action.

1.3 Additional Agency and Center Procurement Ombudsmen's Responsibilities:

1.3.1 Serving as Agency representatives to facilitate communications between NASA and interested parties (e.g., offerors, potential offerors, contractors, and industry representatives) in the resolution of matters arising during the preaward and postaward phases of a procurement. Additionally, interested parties may provide recommendations on the way NASA can improve its acquisition process. However, interested parties must try to resolve their concerns with the contracting officer before consulting with an Procurement Ombudsman.

1.3.2 Listening to concerns about specific issues and working with the appropriate persons within NASA to resolve those concerns before they become major problems.

1.3.3 Reviewing complaints relative to multiple-award task and delivery order contracts, awarded under 10 U.S.C. 2304a(d)(1)(B) or 2304b(e), to ensure that all contractors are afforded a fair opportunity to be considered.

1.3.4 Collecting all relevant facts to resolve issues raised by interested parties. Collection of source selection and proprietary information will be coordinated with the contracting officer or, if appropriate, the Source Evaluation Board (SEB) chairperson. Procurement Ombudsmen are granted access on a class basis to source selection and proprietary information under NFS Subpart 1803.104-5(a)(x) and will comply with the requirements in FAR 3.104-5 and 15.201(f). Information shall be obtained from officials responsible for the Freedom of Information Act prior to the release of Agency records.

1.3.5 Maintaining a log to track individual cases from receipt to disposition. Names will not be recorded in the log if anonymity is requested by the interested party.

1.3.6 The role of the Procurement Ombudsman will not diminish the authority of the contracting officer, Source Evaluation Board, or Source Selection Authority. The Procurement Ombudsman Program does not replace the FAR contract protest or disputes processes. Moreover, communications with an Procurement Ombudsman do not affect time limits for filing a protest or appealing a contracting officer's final decision as described in FAR Part 33.

Chapter 2. Competition and Commercial Item Advocacy

2.1 Competition Advocates

The Competition Advocates for NASA are designated in NFS 1806.501. Their duties and responsibilities are set forth in FAR 6.502 and NFS Subpart 1806.5. These include being advocates for both competition and commercial item acquisition.

2.2 Reports

As required in NFS 1806.502, Center Competition Advocates will submit annual reports to the Agency Competition Advocate (Code HS) on or before November 30 of each year.

2.2.1 Competition Advocate Report. Contracting activities that achieve both a competitive action rate of 80% and a competitive obligation rate of 70% are exempt from filing a Competition Advocate Report. Contracting activities that are not exempt are required to report competition advocate data to Headquarters, and will use the template in Appendix A to this document. The report should address all of the FAR 6.502 requirements for competition and commercial item reporting by means of concise, self-explanatory bullets for each element. The number of bullet entries for each element will be dependent on the amount of activity the contracting activity has had during the year, but at least one bullet entry is required for each.

2.2.2 Commercial Item Advocate Report. Those contracting activities exempt from reporting competition advocate data to Headquarters are still required to address parts of FAR 6.502 dealing with Commercial Items, and will use the template in Appendix B to this document. This report also requires concise and self-explanatory entries, and at least one bullet entry is required for each element.

Chapter 3. Value Engineering (VE)

3.1 Goal

The VE Program will contribute to the overall Agency and contract management objectives of streamlining operations and organizational structure, improving quality and safety, reducing costs, and ensuring that environmentally sound and energy-efficient practices and materials are considered in all of NASA's decisions.

3.2 Responsibilities

3.2.1 The Agency VE Manager, designated in NPD 5101.32, will:

3.2.1.1 Carry out policies and practices set forth in OMB Circular No. A-131, Part 48 of the FAR, and Part 1848 of the NFS.

3.2.1.2 Monitor the VE Program, in coordination with the Program Associate Administrators, to ensure that a viable VE Program is established throughout NASA. Value engineering analysis during the early stages of design provide the greatest potential for savings.

3.2.2 Center Directors will designate a senior staff member to act as a focal point to monitor and advocate VE as it affects projects, programs, systems, and product development under their cognizance.

3.2.3 The Center VE focal points are responsible for:

3.2.3.1 Assisting the VE Manager in meeting the objectives of the VE Program.

3.2.3.2 Ensuring that a VE clause is included in NASA solicitations and contracts, as required by FAR Subpart 48.2 and NFS Subpart 1848.2.

3.2.3.3 Actively eliciting Value Engineering Change Proposals (VECP) from contractors whose contracts contain a VE clause. Value Engineering ChangeProposals will be promptly processed and objectively evaluated in accordance with NFS 1848.103.

Appendix A: Competition Advocate Report

COMPETITION ADVOCATE REPORT (Insert Contracting Activity Here)

Opportunities and Actions Taken to Acquire Commercial Items (6.502(b)(1)(i)) and to Achieve Full and Open Competition (FAR 6.502(b)(1)(ii))

Actions Taken to Challenge Requirements That Are Not Stated in Terms of Functions to be Performed, Performance Required, or Essential Physical Characteristics (FAR 6.502(b)(1)(iii))

Any Condition or Action That Has the Effect of Unnecessarily Restricting Commercial Item Acquisition or Competition (FAR 6.502(b)(1)(iv))

New Initiatives Required to Increase Commercial Item Acquisition (FAR 6.502(b)(2)(ii)) and Competition (FAR 6.502(b)(2)(iii))

New Initiatives to Ensure Requirements Are Stated In Terms of Functions to Be Performed, Performance Required Or Essential Physical Characteristics (FAR 6.502(b)(2)(iv))

Any Barriers to Commercial Item Acquisition or Competition that Remain (6.502(b)(2)(v))

Other Ways In Which Commercial Item Acquisition and Competition Have Been Emphasized in Areas Such as Acquisition Training and Research (FAR 6.502(b)(2)(vi))

Other Activities Conducted Under FAR 6.502

Recommendations for increasing competition (FAR 6.502(b)(3))

Recommendations for personal and organizational accountability for competition, which may include the use of recognition and awards to motivate program managers, contracting officers, and others in authority to promote competition in acquisition (FAR 6.502(b)(4))

Appendix B: Commercial Item Advocate Report

COMMERCIAL ITEM ADVOCATE REPORT (Insert Contracting Activity Here)

Opportunities and Actions Taken to Acquire Commercial Items (FAR 6.502 (b)(1)(i))

Any Condition or Action That Unnecessarily Restricts Commercial Item Acquisition
(FAR 6.502(b)(1)(iv))

New Initiatives Required to Increase Commercial Item Acquisition (FAR 6.502(b)(2)(ii))

Any Barriers to Commercial Item Acquisition That Remain (6.502(b)(2)(v))

Other Ways in Which Commercial Item Acquisition Has Been Emphasized in Areas Such as Acquisition Training and Research (6.502(b)(2)(vi))

(NOTE: This template is to be used only by those contracting activities that are exempt from the requirement to submit a competition advocate report by virtue of exceeding the 80% competitive action and 70% competitive obligation threshold.)